

### **REMARKS**

Reexamination and Reconsideration of the rejections and objections is requested. Upon entry of the Amendment, Claims 77 and 86 are amended and new Claims 112-118 are added. Basis for the amendments and new claims are found in the original specification including the claims. No new matter has been added.

#### ***Claim Rejections – 35 U.S.C. § 103***

Claims 77 and 86 have been amended to change "comprising" to "consisting essentially of" to obviate the rejection based upon the four main component polymer blend of Wilhoit. The amended Claims 77 and 86 and claims dependent thereon clearly exclude the four component polymer blends of Wilhoit and the rejection based thereon should be withdrawn. New Claim 112 is Claim 82 in independent form. Claim 113 is Claim 83 made dependent on Claim 112 and Claim 114 is Claim 84 made dependent on Claim 112. Claim 115 is Claim 85 rewritten in independent form and modified to remove what are believed to be redundancies. Claim 116 is Claim 88 in independent form. Claims 117 and 118 are Claims 90 and 91, respectively, rewritten in dependent form on Claim 116.

#### ***The Double Patenting Rejection***

Applicants traverse the grounds for the rejection. However, a Terminal Disclaimer is submitted herewith. Inasmuch as the term will be unaffected by provision of a Terminal Disclaimer since both applications claim the benefit of the same earlier application, and in view of the foregoing, this rejection should be withdrawn.

In view of the above amendments and remarks, reexamination and reconsideration of all the rejections are requested, and allowance of all the claims is earnestly solicited.

In re: Tatarka, et al.  
Appl. No.: 09/431,931  
Filed: November 1, 1999  
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If, after consideration of the above remarks, the Examiner has any remaining questions or concerns, please feel free to telephone the undersigned to discuss those concerns or questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cedric M. Richeson", with a long horizontal flourish extending to the right.

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**Version With Markings To Show Changes Made:**

77. (Amended) A polymer blend of at least three copolymers [comprising] consisting essentially of:

25 to 85 weight percent of a first polymer having a melting point of from 55 to 95°C comprising at least one copolymer of ethylene and octene-1;

5 to 35 weight percent of a second polymer having a melting point of from 115 to 128°C comprising at least one copolymer of ethylene and at least one  $\alpha$ -olefin; and

10 to 50 weight percent of a third polymer having a melting point of from 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers.

86. (Twice Amended) A process for making biaxially stretched, heat shrinkable film comprising:  
extruding a melt plastified primary tube comprising at least one layer consisting essentially of 25 to 85 weight percent of a first polymer having a melting point of from 55 to 95°C comprising at least one copolymer of ethylene and octene-1;

5 to 35 weight percent of a second polymer having a melting point of from 115 to 128°C comprising at least one copolymer of ethylene and at least one  $\alpha$ -olefin; and

10 to 50 weight percent of a third polymer having a melting point of from 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers;

cooling said primary tube;

reheating said cooled tube to a draw point temperature of from 65 to 88°C;

biaxially stretching said tube to a circumference of at least  $2\frac{1}{2}$  times the circumference of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film.